Comments of

The Building Owners and Managers Association (BOMA) International

Before the

Federal Communications Commission

On

Y2K Preparedness of Communications Towers and Facilities Located on Commercial Buildings

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Background

Good afternoon. My name is Gerard Lavery "Gerry" Lederer. I am very pleased to present comments this afternoon on behalf of the 16,000 property professionals who own or manage 6 billion square feet of commercial property in North America and comprise the membership of the Building Owners and Managers Association (BOMA), International. I have the honor of serving BOMA as its Vice President for Government and Industry Affairs.

On behalf of the BOMA membership, I congratulate the Commission for calling attention to what might be one of the most unheralded Y2K challenges facing the nation – the safety of telecommunications towers. While you won't catch me up in a plane as the century's odometer turns over, I would like to believe that if I were, everything that could be done to ensure that the towers were visible had been done.

I am also hoping the Commission will suggest contingency planning to safeguard not only air traffic and telecommunications towers, but also my members' buildings, which for purposes of this hearing are those wonderful pedestals upon which my colleagues here at the table place their equipment.

Challenge to Property Professionals

With respect to the specific question that this hearing seeks to have answered, i.e., are building owners and managers prepared to meet their responsibilities on December 31, 1999 – my answer is an unequivocal "yes."

Reduced to its most basic components, our job is to ensure that our tenants have access to the roof. As my testimony will explain, we are very confident that all rooftop tenants will have access to their facilities at midnight on the 31st of December 1999. That they will have power to light their facilities or communications capabilities to report a crisis is a representation I cannot make, however, as it is outside property professionals' domain.

As to meeting our obligation of compliance with governmental rules and zoning requirements, the standard rooftop license or lease agreement[1] makes it very clear that the tenant has full responsibility for complying with all local, FAA and FCC rules. Tenants provide not only a written guarantee of such compliance, but also provide an indemnification clause in favor of the landlord and an insurance policy to further protect the building owner.

Still, because building owners understand that they are first and foremost in the "tenant pleasing" business, on behalf of our rooftop tenants we would welcome the Commission's leadership in four critical areas:

1. Provide consumers, such as my members and their tenants, with a greater assurance that the "call will go through." Communications will be an integral component of any Y2K contingency plan.

2. While the Commission does not have authority over power issues, we would welcome your leadership with both FERC and the various state Public Utility Commissions to push for greater certainty that the "lights stay on."

3. Offer guidance in the form of model contingency plans for tower operators on how they might best respond to a loss of either power or communications.

4. Endorse BOMA International's call for the national holiday to be moved from December 31, 1999 to January 3, 2000. By doing so, the Government would provide a period of 80 continuous hours from the time the century starts to the start of the first business day. These 80 hours might prove crucial in addressing telecommunications challenges.

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[1] For a model rooftop license refer to BOMA International's ***Wired for Profit***. A listing of the principal terms and conditions for such an agreement are attached hereto as Attachment A.

Contingency Planning

The basis for my confidence that tenants will be able to access building roofs is founded on two primary conclusions that our members have reached after hours of research and planning:

1. Make sure that sufficient personal are on hand; and
2. If a building system fails because of the Y2K bug, be prepared to revert back to whatever mechanical system that technological advancement had replaced.

On the issue of sufficient personal, most property management companies have already posted notice that no annual leave is available for New Year's Eve and that most folks will be on call in the building that night. Some of our more creative companies are even planning alcohol free parties that night in the building as away of softening the blow of a lost holiday while retaining the full faculties of their personal. A similar suggested plan for tower personal might be a wise course of action.

Accessing the roof offers an example of reverting back to a mechanical system superseded by a more advanced technology. For example, while we believe that if there is power our elevators will work at midnight (few if any elevators have an embedded chip that records more than day and month), if the elevators do fail, every property in America has a backup system – the stairs.

Is there a similar mechanical backup for the lighting of a tower? While it may sound funny, reflecting strips that might do the job. What about the chemical glow lights or the battery operated strobes that are found on highway separators? Couldn't the chemical lights or battery-operated strobes be attached to a tower ahead of time and hoisted in the event of a power failure?

While I don't mean to advance what might, on first glance, appear to be sophomoric suggestions, I do seek to offer what we at BOMA have adopted as our credo for the Y2K bug. We seek to have the greatest contingency plans that are not needed.

Real Estate's Perspective on Y2K

Building owners and managers[2] find themselves on both sides of the Year 2000 coin. On the one hand, property professionals are consumers who need to obtain the most accurate and up-to-date information concerning the Y2K compliance of "embedded systems"[3] in buildings directly from the manufacturers and installers of those systems. At the same time, building owners are vendors of property services who are receiving requests from their tenants, including rooftop tenants, as to the Y2K performance of those same building systems.

In order to help our members meet their service obligation to their tenants, BOMA International has taken the lead in educating property professionals on the steps needed to ensure that critical building systems continue to function smoothly as the century date change approaches. This education is being carried out in three major areas:

1. **Year 2000 Guidebook.** In January, 1998, BOMA published *Meeting the Year 2000 Challenge,* which sets out an 8-step plan for successfully managing this issue in buildings. The guidebook has been enormously popular, with over 25,000 copies distributed to date.

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[2] Founded in 1907, the Building Owners and Managers Association (BOMA) International is a dynamic federation of 94 local associations whose members own or manage over 6 billion square feet of downtown and suburban commercial properties and facilities in North America and abroad. The membership -- composed of building owners, managers, developers, leasing professionals, facility managers, asset managers and the providers of goods and services -- collectively represents all facets of the commercial real estate industry.

[3] Embedded systems are part and parcel of building operations. An embedded system is one where software is contained within the hardware -- a microprocessor that runs a building's heating, ventilation and air conditioning, for example, or a computer chip that controls the fire and life safety equipment. Other types of embedded systems are: building access controls; surveillance cameras and badge readers; refrigerant leak detectors and underground storage tank monitors; telecommunications systems; power generators and distributors; et al.

BOMA will release a second Year 2000 Guidebook in January of 1999 – *Y2K²: Contingency Planning and Testing.* This second book will outline protocols for testing embedded systems, provide a means to prioritize both testing and contingency planning, and offer sample backup plans in the event a system fails.

2. **Educational Seminars.** Concurrent with its first guidebook, BOMA launched a series of education programs across the country. Fifty such seminars were held in 1998, with an equal number anticipated in just the first half of 1999. Tower owners are more than welcome to attend such programs. They need only consult BOMA's homepage at www.boma.org for the seminar nearest you.

3. **Homepage and Listservs.** Our web site, www.boma.org, is the foremost source for information on Y2K from the standpoint of building operations. BOMA has also established a listserv that facilitates discussion and experience exchange between real estate professionals on this vital issue. Out website was recently cited by the President's Year 2000 Conversion Council as a model for Y2K information.

We have also had the distinct honor to team up with the U.S. General Services Administration to lead the Building Operations Sector of the President's Year 2000 Conversion Council. This group has responsibility for disseminating information on prudent Y2K actions to all of real estate. This includes the owners and managers of properties as diverse as shopping centers and apartments, hotels and motels, schools and colleges, chain stores and restaurants, hospitals and nursing homes, theaters and sports arenas, airports and train stations, museums and libraries, city halls and federal court houses. In March of 1999 we plan to host with the White House a summit on Y2K preparedness. We would welcome you all to join us.

Good Samaritan Legislation